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Marked-up Version of Replacement Paragraph(s) (37 CFR

1.121(b)(1)(iii)): /

At lines 16-19 of page 4: /

BF
Preferably, post 3 has a substantially ["C" shaped section] "U"
shaped section (Fig. 3) and is provided with means for anchoring to a
bicycle frame or a similar member. In this particular case, said anchoring
means consist of two holes 6 formed in corresponding recesses 7 for screw
heads.

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Remarks

Claims 16-29 are pending. Claim 16 is the only independent claim. Reconsideration and reexamination of the application is respectfully requested.

For overcoming the Examiner's objection to the drawings, a new drawing sheet 1/6 is submitted, whereby the reference numeral --L-- has been added in Fig. 1, to indicate the originally disclosed longitudinally extending axis of the back anchoring post 3. Moreover, the specification has been amended at line 16 of page 4.

For overcoming the Examiner's objection to the specification, herewith attached are: an abstract on a separate sheet; and a copy of Italian Utility Model Application No. VI93U000020.

The Claims 16, 18 and 28 have been amended in a manner which is believed to overcome the rejection under 35, U.S.C. 112, second paragraph.

Applicant respectfully traverses the nonstatutory double patenting rejection. Firstly, applicant did not have the possibility of submitting the claims of the U.S. design Patent No. D455,707S and the claims of the present utility application in one single application. Secondly, it appears that a relatively significant administrative delay has occurred in the present application, which was filed on May 1, 2001, only five days after the filing date of April 25, 2001 of U.S. design Patent No. D455,707S, while such U.S. design Patent No. D455,707S was granted on April 16, 2002. Finally, applicant submits that any patent granted on the present application, with a term of 20 years from the filing date of May 1, 2001, does not unjustly extend any fair patent rights due to applicant at the expense of the public.

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Applicant further respectfully submits that the invention defined by the amended independent claim 16 is patentable over the prior art of record. In particular, such independent claim 16 has been amended to more clearly define the structural characteristics of the bottle cage according to which the symmetrical and diverging arms include the first portion which is directed upwardly and forwardly from the upper end of the rear anchoring post, and the second portion directed downwardly and forwardly from such first portion.

Such a structural configuration as claimed is not shown in either of the primary prior art references cited by the Examiner: **Call (1,419,488)** shows wire sections 5 which only extend directly downwardly from the upper end of major longitudinal portion 9 (see Figs. 1 and 2 thereof); **Rogers (6,193,202)** shows upper ring 20 extending directly from the upper end of base 14 only horizontally, and curved side support braces 26 which only extend directly downwardly from the upper end of base 14 (see Figs. 1 and 2 thereof).

Applicant submits that there is also no fair teaching or suggestion to a person having ordinary skill in the art from all of the prior art of record to arrive at the structural combination as claimed in the independent claim 16. Such claimed structural combination advantageously provides a bottle support structure having a remarkable cost-effectiveness, enhanced mechanical gripping action on the bottle, and a reduced encumbrance with enhanced aerodynamic efficiency, as described at page 1, lines 25-29 of applicant's disclosure. It is submitted that these advantageous results are not fairly taught or suggested to a person having ordinary skill in the art by the known prior art.

In view of the foregoing, applicant respectfully solicits allowance of pending claims 16-29.

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Respectfully submitted,



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Encl.: - New Drawing Sheet 1/6.
- Abstract of the Disclosure.
- Copy of Italian Utility Model Application No. VI93U000020.
- Credit Card Payment Form PTO-2308.